UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/457,841	12/09/1999	PATRICK H. TOMOSON	450-307US1	8133

			EXAMINER
24333	7590	09/20/2004	DU, THUAN N

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ART UNIT	PAPER NUMBER
2116	

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/457,841	TOMOSON ET AL.
	Examiner	Art Unit	
	Thuan N. Du	2116	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _01 June 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-10,16,17 and 20-49_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-10,16,17,20,22-27,29-34,36 and 38-49_ is/are rejected.

7)☒ Claim(s) _21,28,35 and 37_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   It is hereby acknowledged that the following papers have been received and placed of

record in the file: Amendment (dated 6/1/04).

2.   Claims 1-10, 16-17 and 20-49 are presented for examination.

3.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

Claim Objections

4.   Claim 42 is objected to because of the following informalities: "based on least one" on

line 2, "on execution" on line 4. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

6.   Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

7.   Regarding claim 7, it is not clear that the recited "a known-good computer configuration"

is the same or different from "a known-good computer configuration" recited in claim 1.

8.   Regarding claim 8, it is not clear that the recited "a known-good configuration" is the

same or different from "a known-good configuration" recited in claim 1.

Claim Rejections - 35 USC § 103

9.   Claims 1-10, 16-17 and 20-49 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kang (U.S. Patent No. 6,434,696) and Les Seagren "16 Bit Sound Problems," Dec. 22,

1994 [Seagren].

10.   Regarding claim 1, Kang teaches a method of providing a known-good configuration

(known-good boot configuration) for a computer, comprising:

storing a known-good computer configuration [col. 4, lines 4-11; col. 5, lines 1-9]; and

restoring the known-good configuration [col. 4, lines 11-14; col. 5, lines 22-24, 44-49]

via non-interactive user input (turn on or reset the system) [col. 5, line 27].

Kang discloses that the known-good configuration includes CONFIG.SYS, wherein the

"CONFIG.SYS includes ASCII statements describing the size of disk buffer, the number of files

that can be opened simultaneously, the names of device drivers needed to control devices

attached to the computer system, and so on" (emphasis added) [col. 4, lines 36-43] but does not

explicitly detail that the content of CONFIG.SYS file includes hardware configuration

parameters or software configuration parameters.

Seagren teaches that CONFIG.SYS comprises configuration which including hardware

configuration (IRQ data, DMA data) [p. 1, lines 27-30; p. 2, lines 14-18] and software

configuration (.sys file) [p. 2, lines 19-21, 33-35].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to recognize that the CONFIG.SYS file disclosed by Kang would include hardware

configuration parameters and software configuration parameters as disclosed by Seagren.

11.   Regarding claim 2, Kang teaches that the non-interactive user input is a switch (power button or reset button) [col. 5, line 27].

12.   Regarding claims 3 and 4, Seagren teaches that CONFIG.SYS comprises configuration which including hardware configuration (IRQ data, DMA data) [p. 1, lines 27-30; p. 2, lines 14-18].

13.   Regarding claims 5 and 6, Seagren teaches that CONFIG.SYS comprises configuration which including software configuration (.sys file) [p. 2, lines 19-21, 33-35].

14.   Regarding claim 7, Kang teaches that storing the known-good computer configuration comprises storing an incremental configuration that comprises those changes made to the configuration since a previous stored configuration [col. 4, lines 14-19].

15.   Regarding claim 8, Kang teaches that the configuration is stored in hard disk drive [abstract].

16.   Regarding claim 20, Kang teaches that the method comprising:

        receiving an indication that the non-interactive user input has been actuated [col. 5, line 27];

        wherein the restoring the known-good configuration is based on said indication [col. 5, lines 27-34].

17.   Regarding claim 22, Kang does not explicitly teach the step of prompting a user to store the known-good computer configuration. However, it would have been obvious to one of ordinary skill in the art to recognize that displaying a message for prompting a user to store the configuration would increase the flexibility of the system. The user then has a choice whether or not to save the configuration.

18.   Regarding claim 23, Kang teaches the step of making a determination that a current

configuration is the known-good computer configuration [col. 5, lines 3-6]. Kang does not

explicitly teach the step of notifying a user of a basis for making the determination. However, it

would have been obvious to one of ordinary skill in the art to recognize that displaying a

message for notifying a user the determination would increase the flexibility of the system.

19.   Regarding claim 24, Kang teaches that the configuration is stored in hard disk drive

[abstract].

20.   Regarding claim 25, Kang teaches that the non-interactive user input consists of actuating

a single switch [col. 5, line 27].

21.   Regarding claim 26, Kang teaches that the non-interactive user input does not require

user entry of information or interfacing with a graphical representation to function [col. 5, lines

44-49].

22.   Regarding claim 48, Kang teaches that storing a known-good configuration comprises

storing the known-good configuration contiguously with any data included on a known-good

storage device [col. 5, lines 3-21].

23.   Regarding claim 49, Kang teaches that the configuration is stored in hard disk drive

[abstract] but does not explicitly teach that the configuration is stored in a non-partitioned

storage device. However, one of ordinary skill in the art would have recognized that it would

have been obvious to store the configuration in any storage medium including non-partitioned

storage device such as floppy, CD or DVD ROM discs such that the configuration can be

retrieved when the system is booted from floppy, CD or DVD ROM.

24.   Regarding claim 9, Kang teaches a method of restoring a known-good configuration on a computer, comprising actuating a non-interactive user input [col. 5, line 27] that causes software executing on the computer [col. 5, lines 28-31] to restore a known-good configuration (including CONFIG.SYS) [col. 5, lines 31-33].

Kang discloses that the known-good configuration includes CONFIG.SYS, wherein the "CONFIG.SYS includes ASCII statements describing the size of disk buffer, the number of files that can be opened simultaneously, the names of device drivers needed to control devices attached to the computer system, and so on" (emphasis added) [col. 4, lines 36-43] but does not explicitly detail that the content of CONFIG.SYS file includes hardware configuration parameters or software configuration parameters.

Seagren teaches that CONFIG.SYS comprises configuration which including hardware configuration (IRQ data, DMA data) [p. 1, lines 27-30; p. 2, lines 14-18] and software configuration (.sys file) [p. 2, lines 19-21, 33-35].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to recognize that the CONFIG.SYS file disclosed by Kang would include hardware configuration parameters and software configuration parameters as disclosed by Seagren.

25.   Regarding claim 10, Kang teaches that the non-interactive user input is a switch (power button or reset button) [col. 5, line 27].

26.   Regarding claim 34, Kang teaches that the non-interactive user input consists of an actuation of a single switch [col. 5, line 27].

27.   Regarding claims 16, 17, 27-31, 32 and 33, Kang and Seagren together teach the claimed

method steps. Therefore, Kang and Seagren together teach the machine-readable medium with

instructions stored thereon for carrying out the claimed method steps.

28.   Regarding claim 36, Kang teaches a method of providing an updated known-good

configuration for a computer (known-good boot configuration), comprising:

       determining an updated combination configuration is a known-good configuration for the

computer [col. 4, lines 14-19; col. 5, lines 3-6];

       storing the determined known-good updated combination configuration to a known-good

data storage device [col. 4, lines 14-19; col. 5, lines 3-6];

       receiving a non-interactive user input for restoration of the computer to a known-good

combination configuration [col. 5, lines 27, 32-34]; and

       restoring the known-good updated combination configuration upon reception of the non-

interactive user input [col. 5, lines 27, 32-34].

       Kang discloses that the known-good configuration includes CONFIG.SYS, wherein the

"CONFIG.SYS includes ASCII statements describing the size of disk buffer, the number of files

that can be opened simultaneously, the names of device drivers needed to control devices

attached to the computer system, and so on" (emphasis added) [col. 4, lines 36-43] but does not

explicitly detail that the content of CONFIG.SYS file includes hardware configuration

parameters or software configuration parameters.

       Seagren teaches that CONFIG.SYS comprises configuration which including hardware

configuration (IRQ data, DMA data) [p. 1, lines 27-30; p. 2, lines 14-18] and software

configuration (.sys file) [p. 2, lines 19-21, 33-35].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to recognize that the CONFIG.SYS file disclosed by Kang would include hardware

configuration parameters and software configuration parameters as disclosed by Seagren.

29.   Regarding claim 38, Kang does not explicitly teach the step of prompting a user to store

the determined known-good updated combination configuration. However, it would have been

obvious to one of ordinary skill in the art to recognize that displaying a message for prompting a

user to store the configuration would increase the flexibility of the system. The user then has a

choice whether or not to save the configuration.

30.   Regarding claim 39, Kang teaches that the non-interactive user input is a switch (power

button or reset button) [col. 5, line 27].

31.   Regarding claim 40, Kang teaches that the non-interactive user input does not require

user entry of information or interface with a graphical user interface [col. 5, lines 44-49].

32.   Regarding claim 41, Kang teaches that the known-good storage device is a hard drive

[abstract].

33.   Regarding claim 42, Official Notice has taken that determining a known good

configuration exists is based on at least one of an occurrence of a specific number of boot cycles

or upon execution of a specific number of applications executed is well known in the art.

Therefore, it is a matter of design choice to determine a known good configuration exists is

based on an occurrence of a specific number of boot cycles or upon execution of a specific

number of applications executed.

34.   Regarding claim 43, Kang teaches that storing the determined known-good configuration

comprises storing an incremental configuration that comprises those changes made to the

configuration since a previous known-good configuration [col. 4, lines 14-19].

35.   Regarding claim 44, Kang teaches that the known-good storage device is a hard drive

[abstract]. One of ordinary would have recognized that the hard disk drive could be partitioned

into several portions. Therefore, the known-good configuration is stored in a partitioned portion

of the hard drive.

36.   Regarding claim 45, Kang teaches that the known-good configuration is stored

contiguously with any non-configuration data on the known-good storage device [col. 5, lines 3-

21].

37.   Regarding claim 46, Seagren teaches that CONFIG.SYS comprises configuration data

which including .sys file data [p. 2, lines 19-21, 33-35].

38.   Regarding claim 47, Seagren teaches that CONFIG.SYS comprises configuration data

which including IRQ data, DMA data [p. 1, lines 27-30; p. 2, lines 14-18].

Allowable Subject Matter

39.   Claims 21, 28, 35 and 37 are objected to as being dependent upon a rejected base claim,

but would be allowable if rewritten in independent form including all of the limitations of the

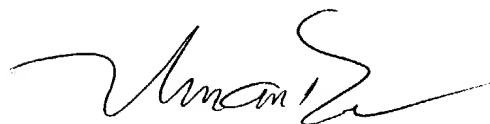base claim and any intervening claims.

Conclusion

40.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thuan N. Du whose telephone number is (703) 308-6292 (after

10/14/04, (571) 272-3673). The examiner can normally be reached on Monday-Friday: 9:00 AM

- 5:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lynne H. Browne can be reached on (703) 308-1159 (after 10/14/04, (571) 272-

3670).

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-3900.

The fax number for the organization is (703) 872-9306.

Thuan N. Du
September 14, 2004